



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,033	09/28/2000	Blair B.A. Birmingham	ATI-000090	7656

34456 7590 03/24/2006

LARSON NEWMAN ABEL POLANSKY & WHITE, LLPL.L.P.
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78746

EXAMINER

PATEL, HARESH N

ART UNIT PAPER NUMBER

2154

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/675,033	BIRMINGHAM, BLAIR B.A.	
	Examiner	Art Unit	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-46 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 11/25/2005 with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-46 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-64 of copending Application No. 10/869,165.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent teaches all the limitations as disclosed such that the interpretation of providing a plurality of operating systems on a single information handling device having one or more appliances is similar to a single information handling device having an operating system to control the information handling device to operate a media playing device. The claimed

Art Unit: 2154

subject matter of claims 1-64 of copending Application No. 10/869,165 does not specifically mention about dedicated software. However, it is well known in the art; for example, Watanabe et al., 6,763,458, Captaris Inc., discloses well-known concept of using dedicated software, e.g., figures 9A, 9B, 14. With Captaris's teachings it would be obvious to one of ordinary skill in the art to include the concept of dedicated software with the claimed subject matter of claims 1-64 of copending Application No. 10/869,165.

This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

Drawings

3. New corrected drawings are required in this application because Figures 1-3 does not show claimed invention, i.e., "method steps, a general operating system to perform general information handling tasks, switching between operating systems, discontinuing the execution of one operating system prior to executing another operating system, operating systems concurrently, executing the general operating system includes reading the general operating system from a mass storage device, checking for resource conflicts, wireless interface, home security system and is stored on a memory device different than a hard drive where the general operating system is stored, the appliance operating system is executed between a first time and a second time subsequent to the first time; and the general operating system is executed between a third time subsequent to the first time and a fourth time subsequent to the second time and the third time, the general operating system is executed between a first time and a second time subsequent to the first time; and the appliance operating system is executed between a third time

Art Unit: 2154

subsequent to the first time and a fourth time subsequent to the second time and the third time,
etc. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled --Replacement Sheet-- in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 11-14, 16-28, 41-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. 6,615,303 (Hereinafter Endo) in view of Watanabe et al., 6,763,458, Captaris Inc (Hereinafter Watanabe-Captaris).
5. As per claim 1, Endo clearly teaches a method comprising:

Art Unit: 2154

providing a plurality of operating systems (e.g., figure 1) on a single information handling device (e.g., figure 1) having one or more appliances (e.g., col. 20, lines 31 – 36, col., 11, lines 57 – 67), the plurality of operating systems including an appliance operating system to control the information handling device (e.g., col., 12, lines 1 – 28) to operate a subset of the one or more appliances (e.g., col., 9, lines 46 – 67), and a general operating system to perform general information handling tasks (e.g., col., 9, lines 60 – 67);

executing the appliance operating system to control a subset of the one or more appliances (e.g., col. 20, lines 31 – 36, col., 11, lines 57 – 67), wherein the appliance operating system is independent of the general operating system (e.g., figure 1); and executing the general operating system to control the information handling device to perform general information handling tasks (e.g., col., 9, lines 60 – 67).

However, Endo does not specifically mention about using dedicated software.

Watanabe-Captaris discloses the well-known concept of using dedicated software, e.g., figures 9A, 9B and 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Endo with the teachings of Watanabe-Captaris in order to facilitate usage of the dedicated software because the well-known use of dedicated software would support providing functionality for dedicated purpose. The dedicated software would carry out the dedicated task. The system having the appliance operating system would get the benefit of well-known concept of utilizing dedicated software for dedicated job.

Art Unit: 2154

6. As per claim 2, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

switching between operating systems (e.g., figure 14).

7. As per claim 3, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

switching includes discontinuing the execution of one operating system prior to executing another operating system (e.g., col., 12, lines 10 – 28).

8. As per claims 4, 41, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

switching includes executing two or more of the plurality of operating systems / the appliance operating system and the general operating system, concurrently (e.g., col., 20, line 65).

9. As per claim 6, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

executing includes checking for resource conflicts (e.g., inherent functionality of an operating system (e.g., col., 12, lines 10 – 28).

10. As per claims 11-14, 16-27, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

Art Unit: 2154

one or more appliances to be coupled to said at least one communications interface (e.g., figure 3),

one or more appliances are to be coupled to said communications interface via a network (e.g., use of LAN, col., 4, lines 19 – 33),

one or more appliances are media handling systems (e.g., appliance using audio/video, image display, figure 2),

one or more media handling systems include at least one of an audio device and a visual device (e.g., appliance using audio/video, image display, figure 2),

communications interface is an interface (e.g., col., 1, line 23 – col., 2, line 65),

communications interface is an electrical interface (e.g., figure 3),

a resource conflict check is performed when said operating systems are executed (e.g., col., 1, line 23 – col., 2, line 65).

11. As per claim 28, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

appliance including a DVD player (e.g., col. 20, lines 31 – 36).

12. As per claims 42, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

the appliance operating system is executed between a first time and a second time subsequent to the first time (e.g., col., 9, lines 46 – 67, figures 8-10); and the general operating

Art Unit: 2154

system is executed between a third time subsequent to the first time and a fourth time subsequent to the second time and the third time (e.g., col., 10, lines 1-18, figures 8-10).

13. As per claims 43, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

the general operating system is executed between a first time and a second time subsequent to the first time (e.g., col., 9, lines 46 – 67, figures 8-10); and the appliance operating system is executed between a third time subsequent to the first time and a fourth time subsequent to the second time and the third time (e.g., col., 10, lines 1-18, figures 8-10).

14. Claims 5, 7-10, 15, 29-40, 44-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo and Watanabe-Captaris in view of “Official Notice”.

15. As per claims 5, 40, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

reading the appliance operating system from a memory circuit (e.g., col., 5, line 64 – col., 6, line 10), and executing the general operating system includes reading the general operating system from a mass storage device (e.g., figure 2).

However, Endo and Watanabe-Captaris do not specifically mention about using a non-volatile / read-only memory.

“Official Notice” is taken that both the concept and advantages of providing the use of non-volatile / read-only memory is well known and expected in the art. For example, Pineau, 5,428,787, discloses storing and obtaining operating system (e.g., swapping of operating

Art Unit: 2154

systems, col., 3, line 57 – col., 4, line 24) into/from storage devices (e.g., figure 1) including non-volatile memory (e.g., RAM, figure 1, col., 3, lines 6 - 28) read-only memory (e.g., ROM, figure 1, col., 3, lines 6 - 28), mass storage device (e.g., media disk, figure 1, col., 3, lines 29 – 34)”, “two different operating systems (e.g., optimized look ahead operating system and tag queuing operating system, col., 3, lines 29 – 48) in different types of storage components (e.g., RAM, ROM, media disk, figure 1, col., 3, lines 6 – 34)”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of non-volatile / read-only memory with the teachings of Endo and Watanabe-Captaris in order to facilitate an appliance operating system to be stored on a non-volatile / read-only memory. The well-known use of non-volatile / read-only memory would retain the appliance operating system even when the system is powered off. The system having the appliance operating system would get the benefit of well-known non-volatile / read-only memory for storing the appliance operating system.

16. As per claims 7 and 8, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above.

However, Endo and Watanabe-Captaris do not specifically mention about the use of BIOS to provide initial processor control / control of which of plurality of operating systems is executed. “Official Notice” is taken that both the concept and advantages of providing the use of BIOS to provide initial processor control / control of which of plurality of operating systems is executed is well known and expected in the art.

Art Unit: 2154

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of BIOS to provide initial processor control / control of which of plurality of operating systems is executed with the teachings of Endo and Watanabe-Captaris in order to facilitate initial processor control by using BIOS and to control which of plurality of operating systems is executed using BIOS. Well-known use of BIOS will help provide boot up selection of which operating system to be selected for execution upon system startup.

17. As per claims 9 and 10, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above.

However, Endo and Watanabe-Captaris do not specifically mention about the details of the use of mass storage medium and read-only memory. "Official Notice" is taken that both the concept and advantages of providing the use of mass storage medium and read-only memory is well known and expected in the art. For example, Pineau, 5,428,787, discloses storing and obtaining operating system (e.g., swapping of operating systems, col., 3, line 57 – col., 4, line 24) into/from storage devices (e.g., figure 1) including non-volatile memory (e.g., RAM, figure 1, col., 3, lines 6 - 28) read-only memory (e.g., ROM, figure 1, col., 3, lines 6 - 28), mass storage device (e.g., media disk, figure 1, col., 3, lines 29 – 34)", "two different operating systems (e.g., optimized look ahead operating system and tag queuing operating system, col., 3, lines 29 – 48) in different types of storage components (e.g., RAM, ROM, media disk, figure 1, col., 3, lines 6 – 34)".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of mass storage medium and read-only memory with the teachings

Art Unit: 2154

of Endo and Watanabe-Captaris in order to facilitate multiple operating systems separate from each other. Well-known use of mass storage medium and read-only memory will help provide storage of the multiple operating systems, which can be selected by the system to be loaded and to be used for execution.

18. As per claim 15, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. However, Endo and Watanabe-Captaris do not specifically mention about interface being wireless.

“Official Notice” is taken that both the concept and advantages of the interface being wireless is well known and expected in the art. For example, Ginter et al., 5,910,987 discloses these limitations, e.g., figure 7, paragraph 1828. Ginter et al., 2004/0133793 discloses these limitations, e.g., figure 7, paragraph 1828.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the usage of interface being wireless with the teachings of Endo and Watanabe-Captaris in order to facilitate usage of wireless functionality because the well-known use of wireless interface would support providing communication between two devices. Even without having physical connection between two devices the wireless interface would communicate information from one device to another device.

19. As per claims 29 and 30, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

the general operating system is stored on a hard drive (e.g., figure 2).

Art Unit: 2154

However, Endo and Watanabe-Captaris do not specifically mention about using a different memory device, other than a hard drive, for storing the appliance operating system for the DVD player.

“Official Notice” is taken that both the concept and advantages of providing and using a different memory device, other than a hard drive, for storing the appliance operating system for the DVD player is well known and expected in the art. For example, Pineau, 5,428,787, discloses storing and obtaining operating system (e.g., swapping of operating systems, col., 3, line 57 – col., 4, line 24) into/from storage devices (e.g., figure 1) including non-volatile memory (e.g., RAM, figure 1, col., 3, lines 6 - 28) read-only memory (e.g., ROM, figure 1, col., 3, lines 6 - 28), mass storage device (e.g., media disk, figure 1, col., 3, lines 29 – 34)”, “two different operating systems (e.g., optimized look ahead operating system and tag queuing operating system, col., 3, lines 29 – 48) in different types of storage components (e.g., RAM, ROM, media disk, figure 1, col., 3, lines 6 – 34)”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of with the teachings of Endo and Watanabe-Captaris in order to facilitate an appliance operating system for the DVD player to be stored on a different memory device, other than a hard drive. The well-known use of different memories like, non-volatile / read-only memory, would retain the appliance operating system even when the system is powered off. The system having the appliance operating system would get the benefit of well-known different memories like, non-volatile / read-only memory for storing the appliance operating system for the DVD player.

Art Unit: 2154

20. As per claims 31-39, 44-46, Endo and Watanabe-Captaris disclose the claimed limitations as rejected above. Endo also teaches the following:

the concept of supporting any appliance and any appliance operating system (e.g., col. 20, lines 31 – 36).

However, Endo and Watanabe-Captaris do not specifically mention about the appliance including a television / stereo / home security system.

“Official Notice” is taken that both the concept and advantages of providing the use of the appliance including a television / stereo / home security system is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appliance including a television / stereo / home security system with the teachings of Endo and Watanabe-Captaris in order to facilitate the use of an appliance operating system that handle the television / stereo / home security system functionality. The well-known use of television / stereo / home security system appliance can be handled by using an appliance operating system. The system having the appliance operating system would get the benefit of well-known use of an appliance, television / stereo / home security system, supported by an appliance operating system.

21. Claims 1-4, 6, 11-28, 41-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. 6,615,303 (Hereinafter Endo) in view of Ginter et al., 6,363,488 (Hereinafter Ginter).

22. As per claim 1, Endo clearly teaches a method comprising:

Art Unit: 2154

providing a plurality of operating systems (e.g., figure 1) on a single information handling device (e.g., figure 1) having one or more appliances (e.g., col. 20, lines 31 – 36, col., 11, lines 57 – 67), the plurality of operating systems including an appliance operating system to control the information handling device (e.g., col., 12, lines 1 – 28) to operate a subset of the one or more appliances (e.g., col., 9, lines 46 – 67), and a general operating system to perform general information handling tasks (e.g., col., 9, lines 60 – 67);

executing the appliance operating system to control a subset of the one or more appliances (e.g., col. 20, lines 31 – 36, col., 11, lines 57 – 67), wherein the appliance operating system is independent of the general operating system (e.g., figure 1); and executing the general operating system to control the information handling device to perform general information handling tasks (e.g., col., 9, lines 60 – 67).

However, Endo does not specifically mention about using dedicated software.

Ginter discloses the well-known concept of using dedicated software, e.g., paragraphs 606, 654, 214.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Endo with the teachings of Ginter in order to facilitate usage of the dedicated software because the well-known use of dedicated software would support providing functionality for dedicated purpose. The dedicated software would carry out the dedicated task. The system having the appliance operating system would get the benefit of well-known concept of utilizing dedicated software for dedicated job.

Art Unit: 2154

23. As per claim 2, Endo and Ginter disclose the claimed limitations as rejected above. Endo also teaches the following:

switching between operating systems (e.g., figure 14).

24. As per claim 3, Endo and Ginter disclose the claimed limitations as rejected above. Endo also teaches the following:

switching includes discontinuing the execution of one operating system prior to executing another operating system (e.g., col., 12, lines 10 – 28).

25. As per claims 4, 41, Endo and Ginter disclose the claimed limitations as rejected above.

Endo also teaches the following:

switching includes executing two or more of the plurality of operating systems / the appliance operating system and the general operating system, concurrently (e.g., col., 20, line 65).

26. As per claim 6, Endo and Ginter disclose the claimed limitations as rejected above. Endo also teaches the following:

executing includes checking for resource conflicts (e.g., inherent functionality of an operating system (e.g., col., 12, lines 10 – 28).

27. As per claims 11-14, 16-27, Endo and Ginter disclose the claimed limitations as rejected above. Endo also teaches the following:

Art Unit: 2154

one or more appliances to be coupled to said at least one communications interface (e.g., figure 3),

one or more appliances are to be coupled to said communications interface via a network (e.g., use of LAN, col., 4, lines 19 – 33),

one or more appliances are media handling systems (e.g., appliance using audio/video, image display, figure 2),

one or more media handling systems include at least one of an audio device and a visual device (e.g., appliance using audio/video, image display, figure 2),

communications interface is an interface (e.g., col., 1, line 23 – col., 2, line 65),

communications interface is an electrical interface (e.g., figure 3),

a resource conflict check is performed when said operating systems are executed (e.g., col., 1, line 23 – col., 2, line 65).

28. As per claim 15, Endo and Ginter disclose the claimed limitations as rejected above.

However, Endo does not specifically mention about interface being wireless.

Ginter discloses interface being wireless, e.g., figure 7, paragraph 1828.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Endo and Ginter in order to facilitate usage of wireless functionality because the well-known use of wireless interface would support providing communication between two devices. Even without having physical connection between two devices the wireless interface would communicate information from one device to another device.

Art Unit: 2154

29. As per claim 28, Endo and Ginter disclose the claimed limitations as rejected above.

Endo also teaches the following:

appliance including a DVD player (e.g., col. 20, lines 31 – 36).

30. As per claims 42, Endo and Ginter disclose the claimed limitations as rejected above.

Endo also teaches the following:

the appliance operating system is executed between a first time and a second time subsequent to the first time (e.g., col., 9, lines 46 – 67, figures 8-10); and the general operating system is executed between a third time subsequent to the first time and a fourth time subsequent to the second time and the third time (e.g., col., 10, lines 1-18, figures 8-10).

31. As per claims 43, Endo and Ginter disclose the claimed limitations as rejected above.

Endo also teaches the following:

the general operating system is executed between a first time and a second time subsequent to the first time (e.g., col., 9, lines 46 – 67, figures 8-10); and the appliance operating system is executed between a third time subsequent to the first time and a fourth time subsequent to the second time and the third time (e.g., col., 10, lines 1-18, figures 8-10).

32. Claims 5, 7-10, 29-40, 44-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo and Ginter in view of “Official Notice”.

Art Unit: 2154

33. As per claims 5, 40, Endo and Ginter disclose the claimed limitations as rejected above.

Endo also teaches the following:

reading the appliance operating system from a memory circuit (e.g., col., 5, line 64 – col., 6, line 10), and executing the general operating system includes reading the general operating system from a mass storage device (e.g., figure 2).

However, Endo and Ginter do not specifically mention about using a non-volatile / read-only memory.

“Official Notice” is taken that both the concept and advantages of providing the use of non-volatile / read-only memory is well known and expected in the art. For example, Pineau, 5,428,787, discloses storing and obtaining operating system (e.g., swapping of operating systems, col., 3, line 57 – col., 4, line 24) into/from storage devices (e.g., figure 1) including non-volatile memory (e.g., RAM, figure 1, col., 3, lines 6 - 28) read-only memory (e.g., ROM, figure 1, col., 3, lines 6 - 28), mass storage device (e.g., media disk, figure 1, col., 3, lines 29 – 34)”, “two different operating systems (e.g., optimized look ahead operating system and tag queuing operating system, col., 3, lines 29 – 48) in different types of storage components (e.g., RAM, ROM, media disk, figure 1, col., 3, lines 6 – 34)”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of non-volatile / read-only memory with the teachings of Endo and Ginter in order to facilitate an appliance operating system to be stored on a non-volatile / read-only memory. The well-known use of non-volatile / read-only memory would retain the appliance operating system even when the system is powered off. The system having the

Art Unit: 2154

appliance operating system would get the benefit of well-known non-volatile / read-only memory for storing the appliance operating system.

34. As per claims 7 and 8, Endo and Ginter disclose the claimed limitations as rejected above.

However, Endo and Ginter do not specifically mention about the use of BIOS to provide initial processor control / control of which of plurality of operating systems is executed.

“Official Notice” is taken that both the concept and advantages of providing the use of BIOS to provide initial processor control / control of which of plurality of operating systems is executed is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of BIOS to provide initial processor control / control of which of plurality of operating systems is executed with the teachings of Endo and Ginter in order to facilitate initial processor control by using BIOS and to control which of plurality of operating systems is executed using BIOS. Well-known use of BIOS will help provide boot up selection of which operating system to be selected for execution upon system startup.

35. As per claims 9 and 10, Endo and Ginter disclose the claimed limitations as rejected above.

However, Endo and Ginter do not specifically mention about the details of the use of mass storage medium and read-only memory. “Official Notice” is taken that both the concept and advantages of providing the use of mass storage medium and read-only memory is well

Art Unit: 2154

known and expected in the art. For example, Pineau, 5,428,787, discloses storing and obtaining operating system (e.g., swapping of operating systems, col., 3, line 57 – col., 4, line 24) into/from storage devices (e.g., figure 1) including non-volatile memory (e.g., RAM, figure 1, col., 3, lines 6 - 28) read-only memory (e.g., ROM, figure 1, col., 3, lines 6 - 28), mass storage device (e.g., media disk, figure 1, col., 3, lines 29 – 34)”, “two different operating systems (e.g., optimized look ahead operating system and tag queuing operating system, col., 3, lines 29 – 48) in different types of storage components (e.g., RAM, ROM, media disk, figure 1, col., 3, lines 6 – 34)”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of mass storage medium and read-only memory with the teachings of Endo and Ginter in order to facilitate multiple operating systems separate from each other. Well-known use of mass storage medium and read-only memory will help provide storage of the multiple operating systems, which can be selected by the system to be loaded and to be used for execution.

36. As per claims 29 and 30, Endo and Ginter disclose the claimed limitations as rejected above. Endo also teaches the following:

the general operating system is stored on a hard drive (e.g., figure 2).

However, Endo and Ginter do not specifically mention about using a different memory device, other than a hard drive, for storing the appliance operating system for the DVD player.

“Official Notice” is taken that both the concept and advantages of providing and using a different memory device, other than a hard drive, for storing the appliance operating system for the DVD player is well known and expected in the art. For example, Pineau, 5,428,787, discloses

Art Unit: 2154

storing and obtaining operating system (e.g., swapping of operating systems, col., 3, line 57 – col., 4, line 24) into/from storage devices (e.g., figure 1) including non-volatile memory (e.g., RAM, figure 1, col., 3, lines 6 - 28) read-only memory (e.g., ROM, figure 1, col., 3, lines 6 - 28), mass storage device (e.g., media disk, figure 1, col., 3, lines 29 – 34)”, “two different operating systems (e.g., optimized look ahead operating system and tag queuing operating system, col., 3, lines 29 – 48) in different types of storage components (e.g., RAM, ROM, media disk, figure 1, col., 3, lines 6 – 34)”.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of with the teachings of Endo and Ginter in order to facilitate an appliance operating system for the DVD player to be stored on a different memory device, other than a hard drive. The well-known use of different memories like, non-volatile / read-only memory, would retain the appliance operating system even when the system is powered off. The system having the appliance operating system would get the benefit of well-known different memories like, non-volatile / read-only memory for storing the appliance operating system for the DVD player.

37. As per claims 31-39, 44-46, Endo and Ginter disclose the claimed limitations as rejected above. Endo also teaches the following:

the concept of supporting any appliance and any appliance operating system (e.g., col. 20, lines 31 – 36).

However, Endo and Ginter do not specifically mention about the appliance including a television / stereo / home security system.

Art Unit: 2154

“Official Notice” is taken that both the concept and advantages of providing the use of the appliance including a television / stereo / home security system is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appliance including a television / stereo / home security system with the teachings of Endo and Ginter in order to facilitate the use of an appliance operating system that handle the television / stereo / home security system functionality. The well-known use of television / stereo / home security system appliance can be handled by using an appliance operating system. The system having the appliance operating system would get the benefit of well-known use of an appliance, television / stereo / home security system, supported by an appliance operating system.

Conclusion

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Art Unit: 2154


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

March 17, 2006


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100